

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re :
 : Chapter 13
CARA BETH POWELL :
 : Case No. 24-10582 (AMC)
Debtor. :
-----X

THE CITY OF PHILADELPHIA'S
OBJECTION TO THE PROPOSED CHAPTER 13 PLAN

TO THE HONORABLE ASHELY M. CHAN:

AND NOW, comes the City of Philadelphia, (the “City”), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Senior Attorney, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed Chapter 13 plan (the “Plan”), of the above-captioned debtor, (the “Debtor”). The City avers the following in support thereof:

1. On February 22, 2024, the Debtor filed a voluntary petition for Chapter 13 bankruptcy with this Court.
2. On March 21, 2024, the Debtor filed a list of all real property owned by him, which included the property located at 232 North 61st Street, Philadelphia, Pennsylvania 19139-1105 (the “Subject Property”). A copy of the Debtor’s Schedule A/B is attached hereto as Exhibit A.
3. The Debtor values the Subject Property at Eighty-Seven Thousand One Hundred Twenty Dollars (\$87,120.00). See Exhibit A.
4. On May 20, 2024, the City filed a secured claim in the amount of One Thousand Five Hundred Sixteen Dollars and Fifty-Eight Cents (\$1,516.58) for unpaid

water/sewer debt in connection with the Subject Property (the “Water Claim”). See Exhibit B.

5. On August 9, 2024, the City filed a claim that included unliquidated, non-filed business tax returns for Business Income and Receipts Tax and Net Profits Taxes for which the Debtor was obligated to file returns but had failed to do so (the “Tax Claim”). See Exhibit C.

6. As of September 25, 2024, the Debtor has failed to file the following required tax returns with the City of Philadelphia:

Business Income and Receipts Tax returns for periods:
12/31/2019, 12/31/2020, 12/31/2021, 12/31/2022 & 12/31/2023

Net Profits Tax returns for periods: 12/31/2018, 12/31/2019,
12/31/2020, 12/31/2021, 12/31/2022 & 12/31/2023

See Exhibit C.

7. As neither the Debtor nor another party in interest has objected to the Water Claim and/or Tax Claim, they are deemed allowed. See 11 U.S.C. § 502(a).

8. On March 21, 2024, the Debtor filed the Plan, that provides for several payments to the City, but it is unclear what payment, if any, is directed to the Water Claim. See Exhibit D.

9. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

10. The Plan should not be confirmed as it fails to adequately specify the correct payment for the Water Claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii).

11. The Plan should not be confirmed as the Debtor has failed to file all tax returns for all taxable periods during the four (4) year period ending on the date of the filing of the petition. See 11 U.S.C. § 1308(a).

12. The Plan should not be confirmed until all returns are filed and all taxes that constitute priority tax claims under 11 U.S.C. § 507 are provided for in the Plan. See 11 U.S.C. § 1322(a)(2).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: September 25, 2024

By: /s/ Pamela Elchert Thurmond
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing City of Philadelphia's Objection to Proposed Chapter 13 Plan was served by the means designated below, on the date set forth below, upon the following parties:

Via ECF Filing

Chapter 13 Trustee:

United States Trustee

SCOTT F. WATERMAN

2901 St. Lawrence Ave. – Ste. 100

Reading, PA 19606

United States Trustee

Office of United States Trustee

Robert N.C. Nix Federal Building

900 Market Street –Ste. 320

Philadelphia, PA 19107

PAUL H. YOUNG

Young, Marr, Mallis & Deane, LLC

3554 Hulmeville Rd. – Ste. 102

Bensalem, PA 19020

Via USPS Mail Delivery

Cara Beth Powell

232 N. 61st Street

Philadelphia, PA 19139

Respectfully submitted,

Date: September 25, 2024

By: /s/ Pamela Elchert Thurmond

PAMELA ELCHERT THURMOND

Senior Attorney

PA Attorney I.D. 202054

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